Magnuson-Stevens Fishery Management and Conservation Act 1956 as amended

Essential Fish Habitat

Ch 4 Mod 4
HO # 12

Anadromous Fish

NOAA Fisheries

National Marine Fisheries Service

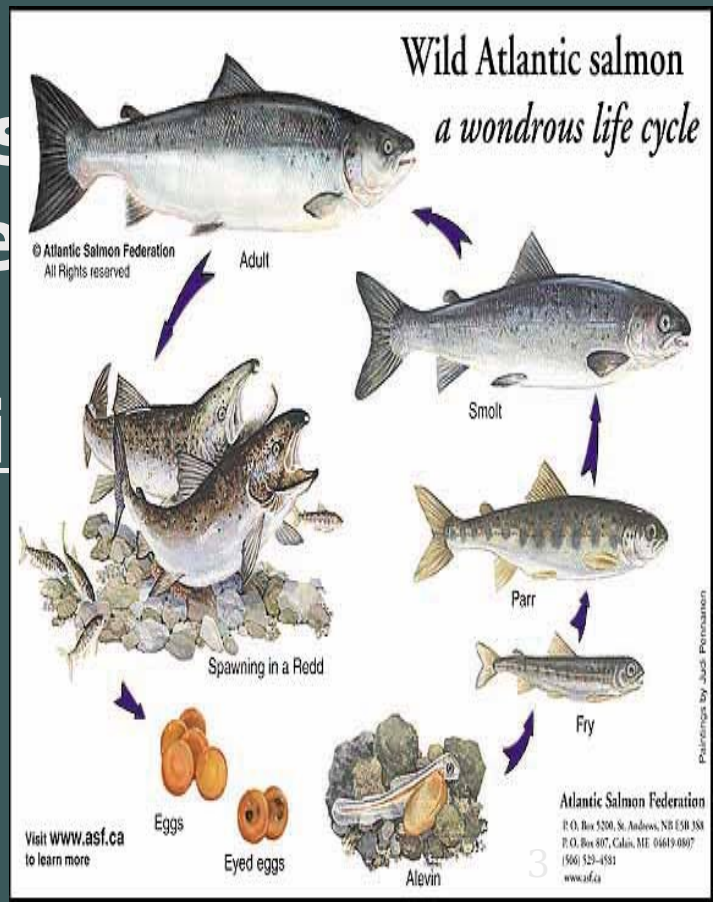
Essential Fish Habitat Learning Objective

To provide the student with the information necessary to implement the steps required of the planning process for a civil works project to achieve compliance with Essential Fish Habitat regulations.

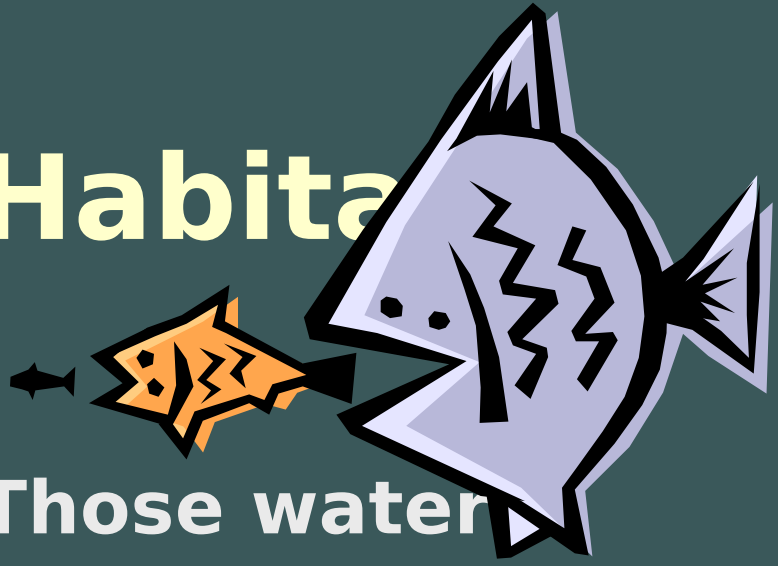
- **http://www.nefsc.nmfs.gov/magact/index.html**

Essential Fish Habitat Regulations

- **Purpose: "Promote the conservation and management of marine fisheries."**
  - **Coastal populations**
  - **Anadromous specie**
- **Goal to optimize fisheri**
- **Final Rule issued 2002.**



Essential Fish Habita



- **Definitions:**
  - **<u>Essential Fish Habitat</u>: Those water**

    and substrates necessary for spawning, breeding, feeding or growth to maturity.

  - **<u>Habitat Areas of Particular Concern (HAPC):</u> A subset of EFH which are susceptible to human-induced degradation, esp. ecologically important, or located in an environmentally stressed area.**

    **** no additional protection**

Essential Fish H

- Definitions (cont).
  - Conservation Recommendations: Recommendations provided by the regulatory agency to reduce adverse impacts.
  - Adverse impact is “any impact which reduces quality and/or quantity of EFH”

Essential Fish Habitat

Mandate:

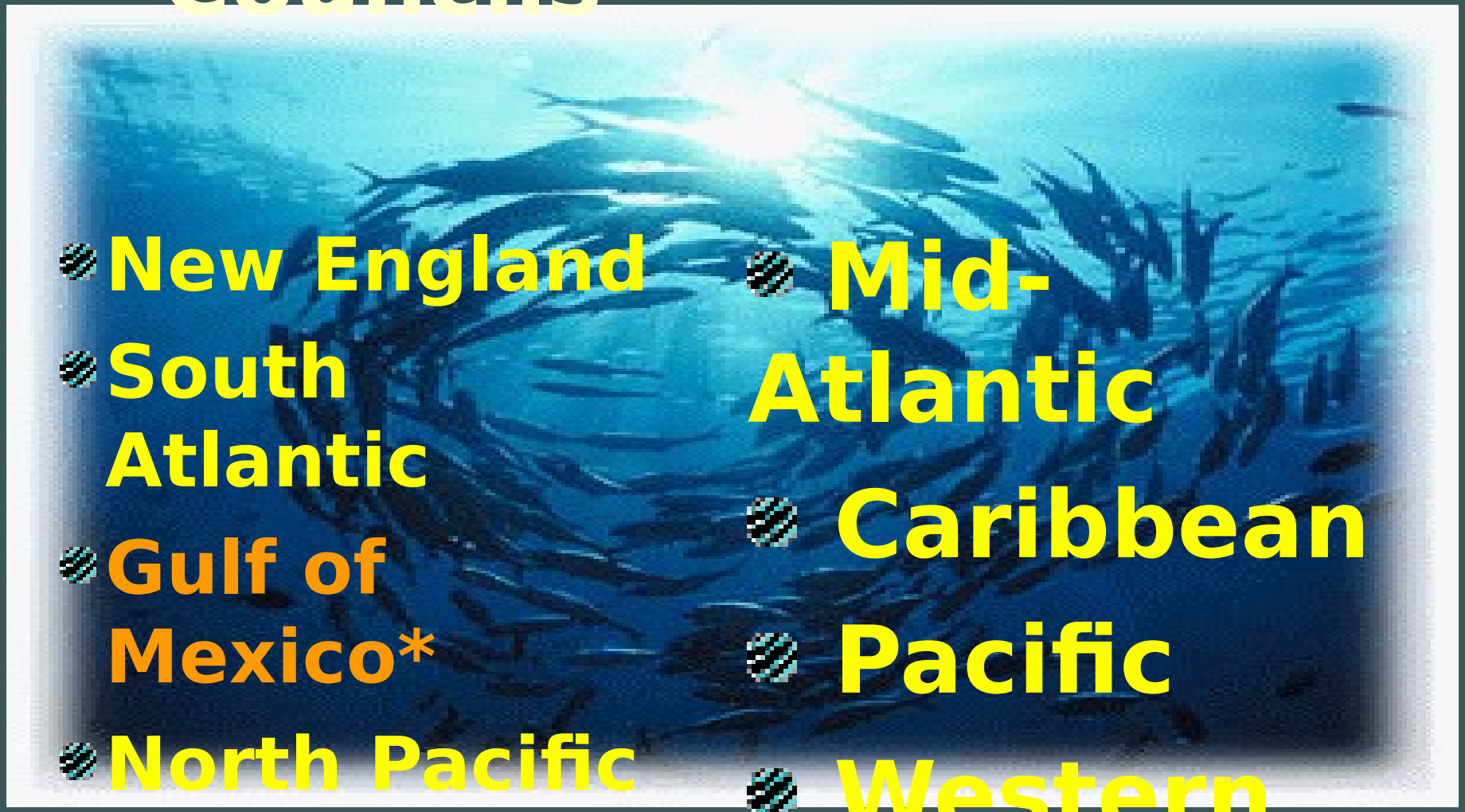
- The Regional Fisheries Management Councils acting through National Marine Fisheries Service (NMFS) are required to provide:
  - Delineations of “Essential Fish Habitats” for species covered by fisheries management plans.

Essential Fish Habitat

Mandate (cont).

- **Goal is to optimize fishery resources.**
- **Emphasize consultation as means to accomplish goal.**
- **Advisory not Proscriptive.**

Fishery Management Councils



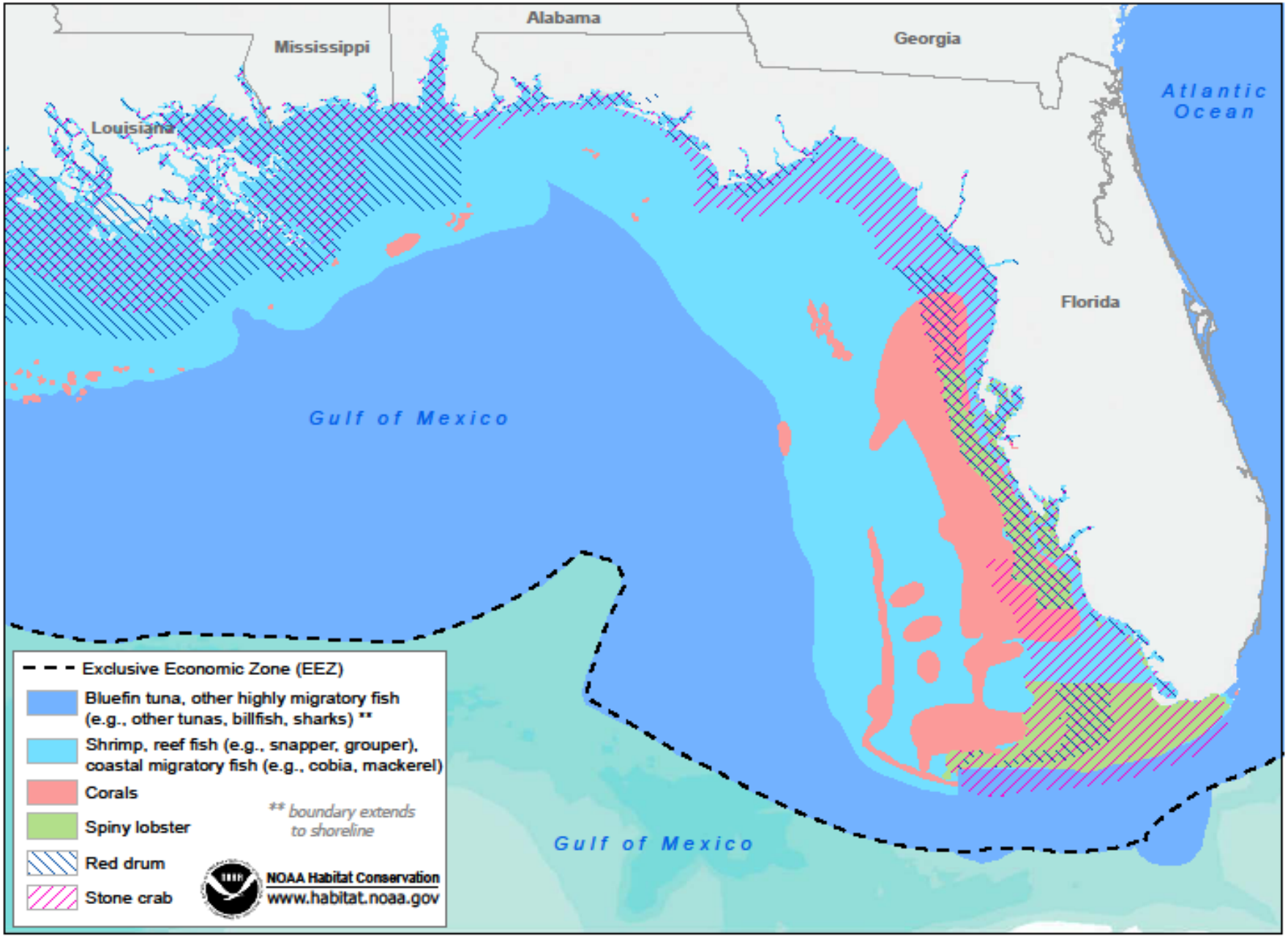
- New England
- South Atlantic
- Gulf of Mexico*
- North Pacific
- Mid-Atlantic
- Caribbean
- Pacific
- Western Pacific

* Covers Texas, Louisiana, Mississippi, Alabama, and Florida

Gulf of Mexico EFH

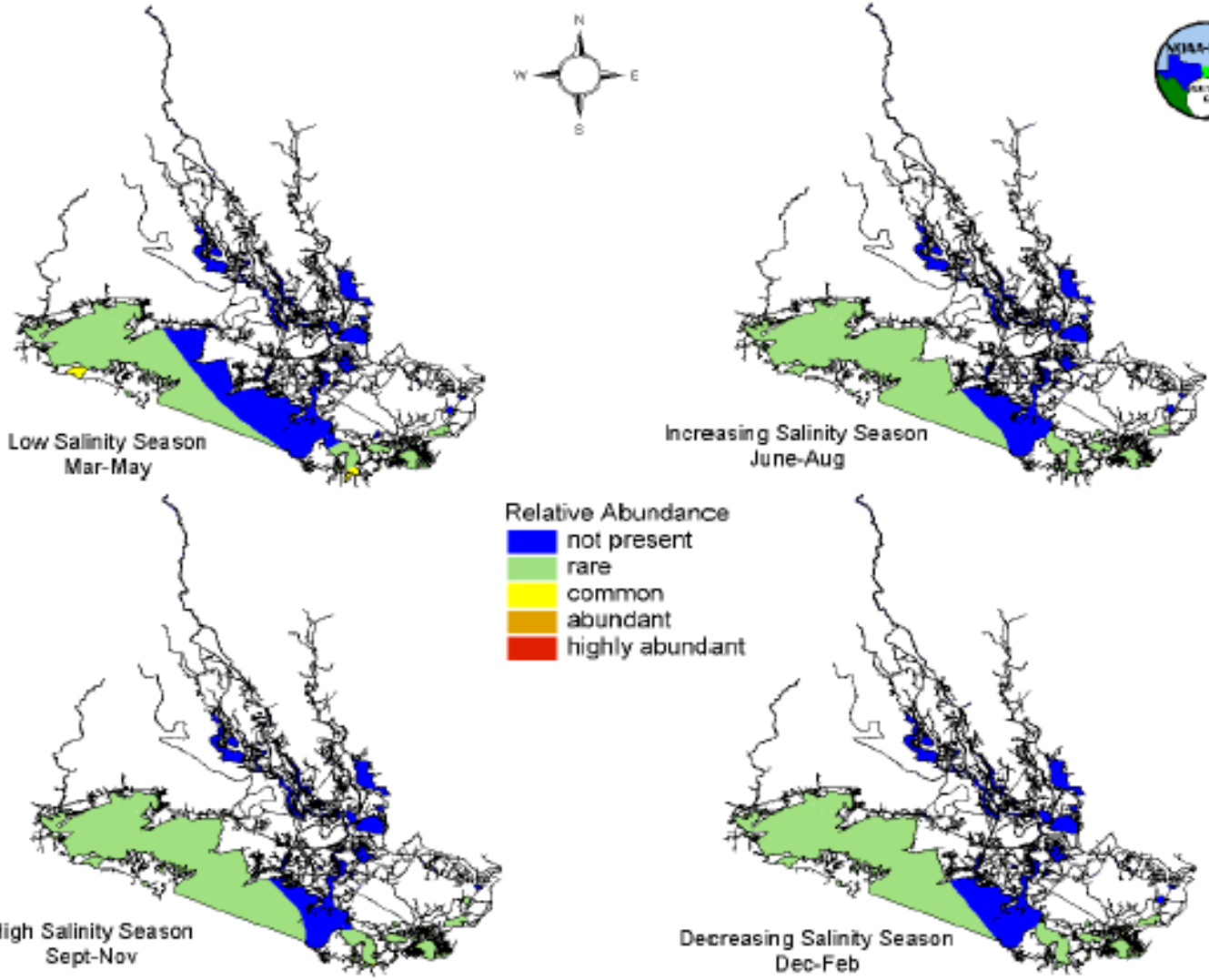
- Habitat Types:
  - **Estuarine (includes adjacent tidal vegetation)**
    - **Depicted on habitat mapping as “common”, “abundant” and “highly abundant”.**
  - **Marine**
    - **Depicted on habitat mapping as “adult areas”, “spawning areas” and “nursery areas”.**

Essential Fish Habitat in the Gulf of Mexico



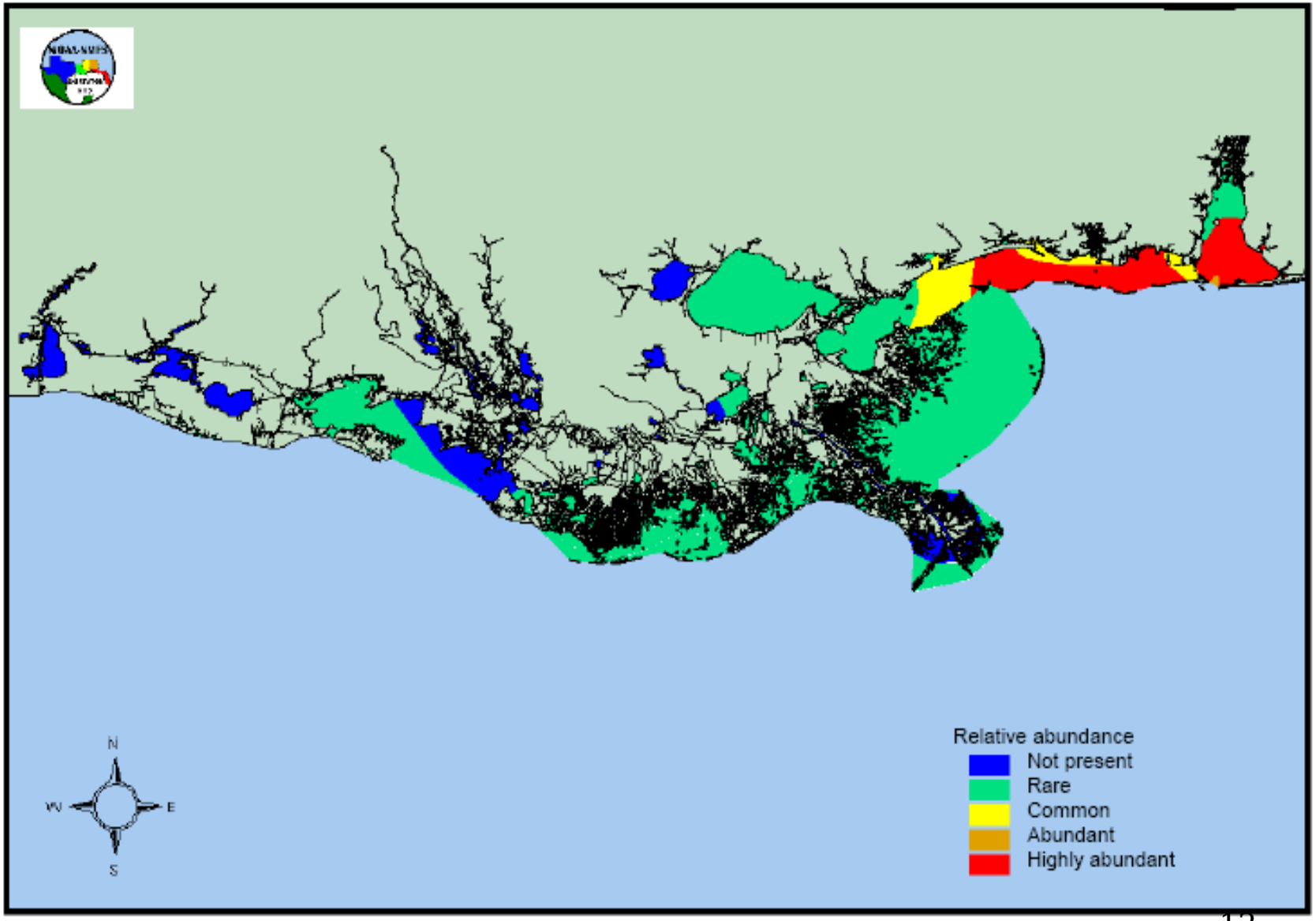
Atchafalaya Bay, LA | Pink Shrimp, *Penaeus duorarum* | Adults

EFH Mapping, NMFS Galveston Lab | http://galveston.ssp.nmfs.gov/efh | July, 1998

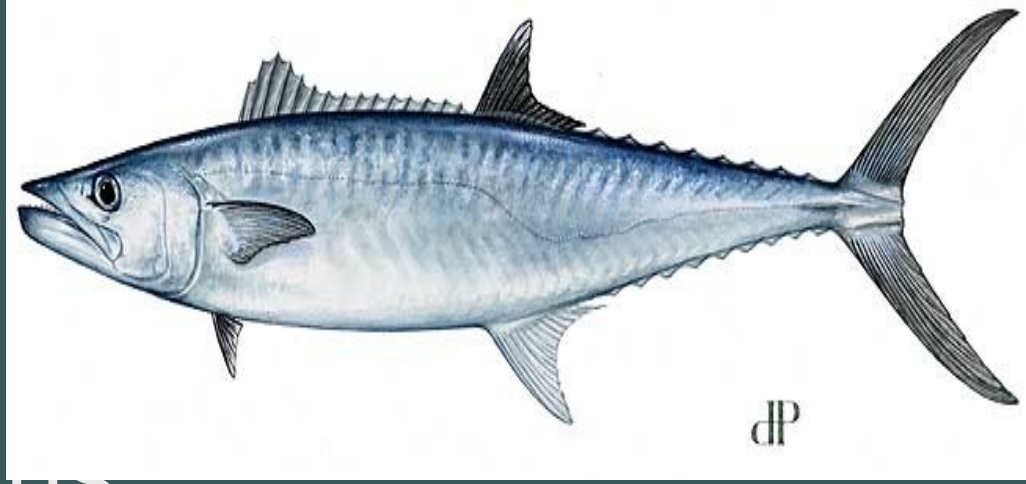


LA-MS-AL Region | Brown Shrimp, *Penaeus aztecus*, Adults | Spring

EFH Mapping, NMFS Galveston Lab | http://galveston.ssp.nmfs.gov/efh | September, 1998



Gulf of Mexico EFH



- EFH Designations
  - **Shrimp Fishery**
    - **Brown, white, pink and royal red shrimp**
  - **Red Drum Fishery**
  - **Reef Fish Fishery**
    - **Red grouper, red snapper, t**
      yellowtail snapper, lesser an

- **Stone Crab**

Gulf of Mexico EFH Designations, cont.

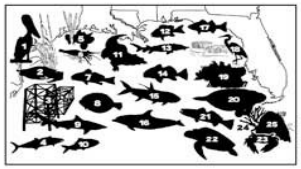
- **Coastal Migratory Pelagic Resources**
  - King mackerel, Spanish mackerel, cobia, and dolphin
- **Spiny Lobster**
- **Coral and Coral Reef**
  - East & West Flower G
    - HAPC – portions above the 50-fathom isobath
  - Florida Middle Grounds
  - Southwest tip of Florida Reef Tract

UNIQUE AND IRREPLACEABLE
GULF COAST MARINE HABITAT

Texas
Texas' salt marshes, coastal wetlands, barrier islands, estuaries, mangroves, and seagrasses suffer from several threats. These include lack of freshwater inflow, development, and human disturbance.
Louisiana
Louisiana's coastal marshes are the most extensive in the nation, but Louisiana's coastal wetlands are rapidly disintegrating due primarily to subsidence, channelization, and lack of sediment.
Mississippi
Mississippi's bays, muddy estuarine bottoms, barrier islands, and open water provide important habitat that is under increasing development pressure.
Alabama
Alabama's estuaries, salt marshes, coastal wetlands, barrier islands, and seagrasses are under development pressure.
Florida
Florida's coral reefs, seagrasses, mangroves, coastal wetlands, and estuaries are currently being adversely impacted because of the increasing population and human development.

Healthy Habitat Supports Healthy Populations

The Gulf of Mexico has many diverse marine habitat types including coral reefs, mangroves, seagrasses, oyster reefs, salt marshes, barrier islands, coastal wetlands, muddy estuarine bottoms and open water. Habitats provide the basic needs for all living things. All habitat types in the Gulf of Mexico are important in providing shelter and feeding sites for fish and other animals. These habitats are needed to support the hundreds of species that call the Gulf of Mexico home. While it is vital to the survival of marine organisms, marine habitat is rapidly disappearing in the Gulf of Mexico. Without healthy habitat, the many species that call the Gulf of Mexico home cannot survive.



1. Brown Pelican *Pelecanus occidentalis*
2. Blue Crab *Callinectes sapidus*
3. Artificial Reef (Partial removal of petroleum platform)
4. King Mackerel *Scomberomorus cavalla*
5. American Oyster *Crassostrea virginica*
6. White Shrimp *Litopenaeus setiferus*
7. Red Drum *Sciaenops ocellatus*
8. Southern Flounder *Paralichthys lethostigma*
9. Atlantic Sharpnose Shark *Rhizoprionodon terraenovae*
10. Gulf Menhaden *Brevoortia patronus*
11. American Alligator *Alligator mississippiensis*
12. Red Snapper *Lutjanus campechanus*
13. Gulf Sturgeon *Acipenser oxyrinchus desotoi*
14. Black Drum *Pogonias cromis*
15. Tarpon *Megalops atlanticus*
16. Bottlenose Dolphin *Tursiops truncatus*
17. Striped Bass *Morone saxatilis*
18. Great Blue Heron *Ardea herodias*
19. Red Mangrove *Rhizophora mangle*
20. West Indian Manatee *Trichechus manatus*
21. Spotted Seatrout *Cynoscion nebulosus*
22. Hawksbill Sea Turtle *Eretmochelys imbricata*
23. Stone Crab *Menippe sp.*
24. Elkhorn *Acropora palmata*
25. Great Star *Montastrea cavernosa* and other corals

TEXAS PARKS & WILDLIFE

Essential Fish Habitat

- **Consultation:**
  - **Federal Action agency required to consult with NMFS for:**
    - **Actions with potential to adversely affect EFHs**
    - **Adverse impact defined as "any impact which reduces quality and/or quantity of EFH."**

Essential Fish Habitat

- **Consultation Process**
  - **Federal agency requests EFH delineations.**
  - **Federal agency notifies NMFS of action and its assessment of the impacts.**
  - **NMFS provides Co Recommendations**
  - **Agency responds to Conservation Recommendation**

Essential Fish Habitat

Agency Response

- 30 Day window for response to EFH Conservation Recommendations.
  - Must include description of measures to avoid, mitigate or offset impacts.
  - Reasons for disagreement with Conservation Recommendations must be included.

EFH ASSESSMENTS

- **EFH Assessments are a mandatory requirement per 50 CFR Part 600.920(e).**
- **Level of detail should be commensurate with the complexity and magnitude of the potential adverse effects of the action.**

Essential Fish Habitat

EFH Assessment Includes:

- **Project description,**
- **Impact analysis including cumulative effects,**
- **Federal agency views of effect on EFH,**
- **Mitigation if applicable,**
- **Alternatives to action.**
- **See NMFS Worksheet – Handout # 12 in Reference file on CD.**

EFH Finding for Civil Works

- **Notification:** *To be contained in draft NEPA document at least 60 days prior to final decision*
- **EFH Assessment:** *To be included in draft NEPA document*
- **ACOE Response:** *Within 30 days of receipt of EFH Conservation Recommendations and at least 10 days prior to final decision*

Essential Fish Habitat

Summary:

- Consult with NMFS.
- Obtain list of EFHs.
- Assess impacts.
- Respond to Conservation Recommendations.